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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2008-333*

13 ANDREA LORIMER
17281 Stevens Canyon Road
14 Cupertino, California 95014
Registered Nurse License No. 561504

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about December 29, 1999, the Board of Registered Nursing issued
22 Registered Nurse License Number 561504 to Andrea Lorimer (Respondent). The Registered
23 Nurse License expired on June 30, 2007, and has not been renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Registered Nursing
26 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.

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[illegible]

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

"(a) Unprofessional conduct

7. Section 2762 of the Code states, in pertinent part, that “[i]n addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as

1 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
2 injurious to himself or herself, any other person, or the public or to the extent that such use
3 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
4 license.

5 "(c) Be convicted of a criminal offense involving the prescription, consumption,
6 or self-administration of any of the substances described in subdivisions (a) and (b) of this
7 section, or the possession of, or falsification of a record pertaining to, the substances described in
8 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
9 thereof.

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11 8. Section 490 of the Code states, in pertinent part, that "[a] board may
12 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the
13 crime is substantially related to the qualifications, functions, or duties of the business or
14 profession for which the license was issued. A conviction within the meaning of this section
15 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
16 which a board is permitted to take following the establishment of a conviction may be taken
17 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
18 or when an order granting probation is made suspending the imposition of sentence, irrespective
19 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

20 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
21 request the administrative law judge to direct a licentiate found to have committed a violation or
22 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
23 and enforcement of the case.

24 DRUGS

25 10. "**Methamphetamine**" is a Schedule II controlled substance as designated
26 by Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business
27 and Professions Code section 4022. It is a stimulant drug.

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1 11. **“Marijuana”** is a Schedule I controlled substance as designated by Health
2 and Safety Code section 11054(d)(13), and a dangerous drug pursuant to Business and
3 Professions Code section 4022.

4 FIRST CAUSE FOR DISCIPLINARY ACTION

5 (Conviction of a Crime Involving a Controlled Substance or Dangerous Drug)

6 12. Respondent is subject to disciplinary action under section 2761(a) of the
7 Code on the grounds of unprofessional conduct as defined by section 2762(c) of the Code in that
8 on or about October 24, 2007, in the Superior Court of California, County of Sonoma, Case
9 Number SCR-502975, entitled *The People of the State of California vs. Andrea Lorimer*,
10 Respondent was convicted by her plea of guilty of one count of violating Section 11550(a) of the
11 Health and Safety Code (using or being under the influence of a controlled substance, to wit:
12 Methamphetamine), a misdemeanor. On or about October 24, 2007, pursuant to said conviction,
13 Formal Probation was granted for 36 months upon terms, which included, but were not limited
14 to, the following: Serve 30 days in jail; obey all laws; do not possess or use any alcohol; do not
15 possess any drugs or drug paraphernalia without valid prescription; submit to random chemical
16 testing by Treatment provider and/or Probation Officer; submit to warrantless search and seizure
17 of person, property, personal business or vehicle at any time day or night by any Prob./Law
18 Enforce. Off. The factual circumstances surrounding said conviction are as follows:

19 a. On or about December 4, 2006, Respondent contacted the Sonoma County
20 Sheriff's Department to report that there were "10 to 15 subjects," one of whom allegedly had a
21 gun, around her home located at 1310 Kawara Terrace, Santa Rosa, California. Once Sonoma
22 County Sheriff Deputy Yeager arrived on the scene, he was unable to locate any armed subject.
23 However, Respondent yelled at him from her home window and as Deputy Yeager approached
24 the window, he observed a very messy room and saw Respondent standing on top of piles of
25 clothes and other miscellaneous items, and after looking past her, saw a glass smoking pipe for
26 methamphetamine. Thereafter, Respondent met Deputy Yeager at her front door and asked him
27 to come inside so she could show him a video tape of the subjects who were armed. Once inside
28 the residence, Deputy Yeager observed that the living room, kitchen, bathroom and hall were

1 each lined with large numbers of electronic equipment that had been taken apart. Deputy Yeager
2 then collected the glass smoking pipe from Respondent's bed-stand. Respondent displayed
3 objective signs of being under the influence of a controlled substance. Respondent admitted that
4 she had just smoked a "bowl or two" of methamphetamine a few hours previously and had
5 smoked marijuana about 4 hours previously.

6 SECOND CAUSE FOR DISCIPLINARY ACTION

7 (Substantially Related Conviction)

8 13. The allegations of Paragraph 12 are herein realleged and incorporated by
9 reference as though fully set forth.

10 14. Respondent is subject to disciplinary action under sections 2761(f) and
11 490 of the Code in that on or about October 24, 2007, Respondent was convicted of a crime, as
12 set forth in Paragraph 12 above, which is substantially related to the qualifications, functions, or
13 duties of a registered nurse, pursuant to Title 16, California Code of Regulations, section 1444.

14 THIRD CAUSE FOR DISCIPLINARY ACTION

15 (Obtaining, Possessing, and Self Administering a Controlled Substance or Dangerous Drug)

16 15. The allegations of Paragraph 12 are herein realleged and incorporated by
17 reference as though fully set forth.

18 16. Respondent is subject to disciplinary action under section 2761(a) of the
19 Code on the grounds of unprofessional conduct as defined by section 2762(a) of the Code, in that
20 on or about December 4, 2006, in Santa Rosa, California, Respondent unlawfully obtained,
21 possessed, and self-administered a controlled substance or dangerous drug, to wit,
22 Methamphetamine, as set forth in Paragraph 12 above.

23 FOURTH CAUSE FOR DISCIPLINARY ACTION

24 (Using a Controlled Substance to an Injurious Extent)

25 17. The allegations of Paragraph 12 are herein realleged and incorporated by
26 reference as though fully set forth.

27 18. Respondent is subject to disciplinary action under Code section 2761(a) on
28 the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about

1 December 4, 2006, in Santa Rosa, California, Respondent used and was under the influence of a
2 controlled substance, to wit, Methamphetamine, and to an extent dangerous or injurious to
3 herself or the public, as set forth in Paragraph 12 above.

4 FIFTH CAUSE FOR DISCIPLINARY ACTION

5 (Substantially Related Convictions)

6 19. Respondent is subject to disciplinary action under sections 2761(f) and
7 490 of the Code in that Respondent was convicted of crimes, which are substantially related to
8 the qualifications, functions, or duties of a registered nurse, in that on or about October 24, 2007,
9 in the Superior Court of California, County of Sonoma, Case Number SCR52205, entitled *The*
10 *People of the State of California v. Andrea Lorimer*, Respondent was convicted by guilty plea
11 of violating Section 487(a) of the Penal Code (grand theft), a misdemeanor, and Section 11377(a)
12 of the Health and Safety Code (possession of a controlled substance, to wit: Methamphetamine),
13 a felony. The factual circumstances surrounding said convictions are as follows:

14 a. On or about October 4, 2007, Respondent placed a flat screen television
15 set valued at \$1,299.00 onto a cart at the Best Buy store in Santa Rosa, California and later
16 attempted to "return" the television set at the customer service desk. Once she was prevented
17 from returning the television set, Respondent fled from the loss-prevention officers who were
18 attempting to detain her. Respondent was then tackled by Greg Contos, an off-duty Sonoma
19 County Sheriff, in the parking lot. Incident to her arrest, a search of her purse revealed that she
20 possessed 1.7 grams of Methamphetamine inside a hollowed-out AA-sized battery.

21 SIXTH CAUSE FOR DISCIPLINARY ACTION

22 (Conviction of a Crime Involving a Controlled Substance or Dangerous Drug)

23 20. The allegations of Paragraph 19 are herein realleged and incorporated by
24 reference as though fully set forth.

25 21. Respondent is subject to disciplinary action under section 2761(a) of the
26 Code on the grounds of unprofessional conduct as defined by section 2762(c) of the Code in that
27 Respondent was convicted of a crime involving a controlled substance, as set forth in Paragraph
28 19 above.

1 SEVENTH CAUSE FOR DISCIPLINARY ACTION

2 (Obtaining and Possessing a Controlled Substance or Dangerous Drug)

3 22. The allegations of Paragraph 19 are herein realleged and incorporated by
4 reference as though fully set forth.

5 23. Respondent is subject to disciplinary action under section 2761(a) of the
6 Code on the grounds of unprofessional conduct as defined by section 2762(a) of the Code, in that
7 on or about October 4, 2007, in Santa Rosa, California, Respondent unlawfully obtained and
8 possessed, and self-administered a controlled substance or dangerous drug, to wit:
9 Methamphetamine, as set forth in Paragraph 19 above.

10 PRAYER


11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 561504, issued
14 to Andrea Lorimer (Respondent).

15 2. Ordering Respondent to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3.

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 5/22/08

21 
22 RUTH ANN TERRY, M.P.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant